

Northern Sierra
Air Quality
Management District



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Dave Edwards, Chief
Greenhouse Gas and Toxics Emissions Inventory Branch
California Air Resources Board
PO Box 2815
Sacramento, CA 95814

Re: CTR Regulation 15-Day Draft

Mr. Edwards:

The Northern Sierra AQMD is arranging our comments in two categories: Burden on regulated sources and burden on air districts. In all, the burdens imposed by the regulation would be so great throughout California that they would act as a disincentive to air districts permitting sources and to sources seeking permits from air districts.

We are aware that the CARB Board has preliminarily adopted the framework of the proposed regulation and is seeking comment on a short list of components of the regulation, and are also aware that Attachment B of the adoption resolution clarifies, "This list in now way limits CARB's authority to make other changes to the proposed regulatory amendments, consistent with the requirements of California law." Clearly, the specifics of the proposed regulation go far beyond the requirements of AB 617 and reach far into discretionary territory regarding the structure and details of the regulatory text. The Northern Sierra AQMD wishes to note that the regulation as proposed is much more demanding on regulated sources and air districts than was represented in preliminary discussions. Also, the list of potential facilities subject to reporting at <https://ww2.arb.ca.gov/our-work/programs/criteria-pollutant-and-toxics-emissions-reporting/potential-facilities-subject> hardly scratches the surface of the universe of facilities required to report under the proposed regulation.

Burden on Regulated Sources

The burden on regulated sources imposed by the proposed regulation is substantial. Many affected sources have fewer than 4 employees. In most cases, new information would be required that the source has never reported before and may not even know. For instance, few sources can readily report the "Release location exit gas temperature" (required under §93404(b)(6)(B)(4)), which in many cases would be variable.

Likewise, few sources can readily provide their "Unit Type Code" required under §93404(b)(3)(c). If they look for it in the Definitions to see what a "unit type code" is,

they find that they are referred to a cumbersome long web site address: https://iaspub.epa.gov/sor_internet/registry/datareg/searchandretrieve/valuelist/search.do?details=displayDetails&id=12300&verNr=1. And then the web site itself contains ambiguous unit type descriptions. For example, would a crematory be an Incinerator, Other Combustion or Unclassified? By the way, EPA has been changing many of its web sites in recent years; there is no guarantee that any web address will remain valid for any length of time.

The jargon used in the regulation would also be bewildering to many people. For example, "Stack identifier or name" (required under §93404(b)(6)(B)(1)) and "Identifier of the singular associated emissions process" (required under §93404(b)(5)(A)) are simply not terms that regulated businesses are familiar with.

The requirement to report "geospatial coordinates" is also likely to cause confusion. Most people don't know how to find their geospatial coordinates even if they do have some notion of what they are. The definition includes a link to a 272-page 24-megabyte .pdf (https://www.ngs.noaa.gov/PUBS_LIB/NADof1983.pdf) that loads very slowly. Much of the NSAQMD is still on dial-up internet connection or slow satellite speeds, in which case it is almost unreasonable to expect sources to download the large file. Further, while the linked document on the history of the development of geospatial coordinates is fairly intriguing, it is not instructive in how to obtain geospatial coordinates and really not helpful at all to the business person trying to get their emissions report out the door.

There should be a blanket emissions threshold for being subject to the proposed regulation. There is no real value in gathering all of the data required for very small sources that have permits just because they are required to have permits, such as crematories, or for small aggregate facilities thousands of feet from the nearest receptor. The NSAQMD suggests 4 tons per year or an AB2588 screening-level cancer risk greater than 10.

The regulation gives local air districts the authority to charge sources fees to cover the increased time it would take to carry out the requirements of the regulation. This makes it a de facto fee regulation, which is a big deal that should initiate a full formal rulemaking process with plenty of opportunities for public input. For local air districts to charge new fees would require them to go through formal rulemaking processes. There is no guarantee that district boards would support such new fees on businesses, especially on top of increased business employee expenses associated with the proposed reporting requirements.

Table A-3 mainly applies to permitted sources that otherwise don't have to report. It contains some vague Process descriptions, such as "industries related to petroleum refining" and "hazardous waste treatment, storage, disposal and recycling" (hazardous waste is defined differently by different people).

The threat in §93407 of CARB coming into local air districts and assessing penalties on sources for violating "any of the requirements" of the regulation is worrisome. §93407 specifies that late reporting, missed reporting, erroneous reporting and inadequate

recordkeeping are all violations that could result in penalties. There are many scenarios in which a source might have a good reason for making any of these specified mistakes, such as a key person being away from work either temporarily or permanently, unforeseen legal issues with other agencies, failure to see or understand some part of the massive regulation, language barriers, health issues and plain old forgetfulness. CARB is too far removed from the balance that exists among local elected officials, air districts, regulated sources and the general public to equitably weigh all factors involved in what CARB might deem a violation. If CARB is threatening to punish businesses for shortcomings in their reporting, there should be a specific process for reminding and assisting the businesses first. The process should include a grace period after issuing a penalty during which a source can come into compliance without punishment. In addition, local air districts should be able to modify or prevent any penalties CARB might desire to issue to businesses within the districts' jurisdiction.

It is not clear if violations of the regulation could be subject to the Variance process at the district level or, if they are, if CARB would recognize local district variances with regard to violations of the regulation.

As a whole, the regulation is not composed in an easy-to-read manner. For example, the Abbreviated Reporting in section §93403(b) is unnecessarily complicated by requiring the reader to bounce around too much. It could easily be its own entire section titled "Abbreviated Reporting for Certain Gas Stations and Generator Engines," or even a separate regulation. Once the section is located somewhat into the second half of §93403, the reader is directed to four other sections to reference. The first of these is §93401(a)(4)(C), which references the reader to Appendix A, Table A-3, which itself is quite complicated. The second referenced section in §93403(b) is §93401(a) in general, which contains references to more than 25 other sections of Title 17, plus several sections of the Health and Safety Code and OEHHA Guidelines. Those, in turn, reference more sections. The third section referenced in §93403(b) is itself. The fourth section referenced in §93403(b) is §93404(c), which is entirely dedicated to Abbreviated Report Contents. Why not include it under §93403(b) for simplicity? §93404(c) references 5 other sections, which of course reference additional sections. §93404(c)(2) references §93404(d) as a whole and then specifically references 2 subsections within §93404(d), but in standard practice a reference to §93404(d) includes all of its subsections. §93404(c)(2) could just reference §93404(d) except §93404(d)(3) and §93404(d)(4).

As can be seen from the preceding paragraph, the regulation is just too convoluted for the average person to easily understand. Tightly packed references among the various sections and other legislation are woven and tangled in every direction like noodles in a bowl of spaghetti. The entire proposed regulation should be rewritten with an end product clearly in mind, so that it can be constructed in a more linear fashion with far fewer references to other sections and other legislative documents.

Burden on Air Districts

§93401(4) specifies that of the facilities listed in Appendix A, Table A-3 (with specified activity levels), only those facilities with permits to operate issued by air districts are

subject to the applicability criteria. Since air districts have varying practices and emissions thresholds for permitting, the work load imposed by the proposed regulation varies among districts accordingly. Similarly, air districts have varying public notification thresholds for HRA-derived risk factors, which affects their work load under the proposed regulation.

Nonetheless, the regulation would result in a vastly increased workload for local air districts. Even coming up with a plan to implement the new requirements would take significant time. Fielding questions from sources, providing both general education on the regulation and specific education based on specifics of facilities, making sure all sources have equal access to the requirements and assistance in fulfilling them, ensuring accuracy, maintaining records, reporting data, digging through source files ... at first look, the number of new tasks involved at the district level would probably require at least a full-time position for the Northern Sierra AQMD, which currently employs only 5 people including the APCO.

Sources currently doing business in the NSAQMD that would be subject to the article are preliminarily estimated to include 7 human and animal crematories; 7 remote gravel quarries; 2 asphalt plants; 2 paint spray booths; 3 Title V sources; 150 diesel generators and 63 gas stations. There could well be more once some of the ambiguities in the requirements are worked out. It's not clear if a hospital that has a standby diesel generator under permit would be subject to reporting for using natural gas as a heat source. It's also not clear if a source with multiple permits that include some below the reporting threshold and some above must report for those below if they are reporting for those above the thresholds.

While the Northern Sierra Air Quality Management District supports all efforts to ensure that the health of the residents in Plumas, Sierra and Nevada counties is protected from the effects of air pollution, CARB's proposed changes are not supported by the District.

In conclusion, the NSAQMD supports comments made by other districts regarding the aspects of the proposed regulation that should be considered and clarified, revised or removed. The shortcomings and ambiguities in the proposed regulation warrant a more thorough process of revisions and considerations than currently appears to be planned. Also, it really should undergo a cost/benefit analysis and be published for review by air districts and then the public in its final form. Making the document public once it is in final proposed form and before final approval is important, especially since it would indirectly establish new fees for thousands of California businesses.

Sincerely,



Gretchen Bennitt, Executive Director
Northern Sierra Air Quality Management District

Cc: California Air Pollution Control Officers Association